

Application No. 09/903,174
Amendment dated March 2, 2005
Reply to Final Office Action of December 2, 2004

Docket No. 1232-4735

REMARKS

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 41-51 are pending in this application. Claims 41 and 51 are independent. By this amendment, independent claims 41 and 51 are amended. No new matter has been added by this amendment.

Rejection under 35 U.S.C. §103

Claims 41 and 42-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,710,807 to Yamagishi ("Yamagishi").

The Examiner indicated that a repeated overwriting of the new first signals of the present invention would be obvious because "if the time interval between the shutter switches SW1 and SW2 is long enough for writing 3 or 4 frames, the predetermined or portioned areas would be full... and new coming ... frames would be overwritten on the old first and second dark frames." The Examiner further indicates that "[i]t is important in Yamagishi that only latest dark frames are matter for image correction." And cites col. 23, lines 48-50 of Yamagishi. See, page 4 of the office action.

Applicant respectfully disagrees with the Examiner's basis for the rejection for at least the reasons as set forth below.

Applicant notes that a portion of Yamagishi states that "even when the time interval between the ON timings of the shutter switches SW1 and SW2 is long, and the focusing state,

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exposure data, and the dark image data have changed over time, the image sensing process **can** be done based on the latest data.” (col. 23, lines 44-50 of Yamagishi).

Applicant further notes that other portions of Yamagishi states that:

If the shutter switch SW2 is turned on before completion of the dark capture process, the dark capture process is forcibly ended, and image sensing is started ... In this case, the dark capture process must be done after the first image sensing... (col. 18, lines 16-22 of Yamagishi)

It appears in Yamagishi that if a dark capture process is forcibly ended in the middle of the process by the depression of the shutter switch SW2, the remaining process **MUST** be done after the image sensing process is completed. See, also, col. 22, lines 17-23 of Yamagishi.

In contrast, one of the aspects of the present invention is directed to storing the first signals of at least two frames in a predetermined order. This feature of the present invention enables a control process in which an image correction is performed based on the first signal stored completely for one frame **BEFORE** the capturing operation (i.e., image sensing process) is initiated. In other words, in the present invention, even if the dark capture process is forcibly ended, the remaining process is **NOT** completed, i.e., the first signal stored completely for one frame before the capturing operation is simply used for the image correction.

Nonetheless, independent claims 41 and 51 are amended to further clarify this aspect of the present invention as discussed above. For example, amended claim 41 recites, among other things, “a first controller adapted to repeatedly overwrite new first signals in said storage area of the at least two frames in an alternative order,” and “a

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correction unit adapted to correct the second signal based on a most recent first signal stored with a complete frame in said storage area before the capturing operation of the second signal is initiated." Amended claim 51 is a method claim and recites similar features to claim 41 as discussed herein.

Accordingly, each of amended claims 41 and 51 is neither anticipated by nor rendered obvious in view of Yamagishi for at least the reasons as discussed above.

Reconsideration and withdrawal of the rejections of claims 41 and 51 under 35 U.S.C. §103(a) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

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AUTHORIZATION

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4735). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 2, 2005

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